Message

From: Paul Achitoff [achitoff@earthjustice.org]
Sent: 7/3/2017 6:58:12 PM
To: Martinez, Brittany [Martinez.Brittany@epa.gov]
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Yes, Brittany. We're still planning on it.

Paul

On Jul 3, 2017 8:38 AM, "Martinez, Brittany" <Martinez.Brittany@epa.gov> wrote:
Hi Paul,

I just want to confirm that you and Ex. 6 Personal Privacy (PP) are still available for the interview this Wednesday. Please let me know when you have a moment. Thanks!

-----Original Message-----
From: Martinez, Brittany
Sent: Wednesday, June 28, 2017 8:27 AM
To: 'Paul Achitoff' <achitoff@earthjustice.org>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul,

I checked our schedules and we are able to conduct the interview with Ex. 6 Personal Privacy (PP) on 7/5 @ 8:30 am Hawai'i time. The conference call information is as follows:

Ex. 6 Conference Code

Let me know if there are any concerns. Thanks!

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Monday, June 26, 2017 9:38 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Brittany, Ex. 6 Personal Privacy (PP) is available 7/4, 5 and 6 any time after 8am Hawai'i time.

Paul

-----Original Message-----
From: Martinez, Brittany [mailto:Martinez.Brittany@epa.gov]
Sent: Friday, June 23, 2017 8:28 AM
To: Paul Achitoff
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Yes. Please check Ex. 6 Personal Privacy (PP) availability for the week of 7/3 as well. I will let you know how that works as soon as I can.

I will also be back in contact with you about the specific types of files that would be helpful. Thanks!

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Friday, June 23, 2017 2:02 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Brittany,

If you think the following week would work out better for EPA I can ask Ex. 6 Personal Privacy (PP) if she's available.

I have the complete files for those cases. Although there was no discovery, the files are still extensive, so perhaps you might tell me what would be most helpful to you and I can forward it.

Paul

On Jun 23, 2017 7:45 AM, "Martinez, Brittany" <Martinez.Brittany@epa.gov> wrote:
Hi Paul,

Thank you for your response. I think next week will be difficult due to potential schedule conflicts. I will get back to you as soon as I can regarding the availability of the EPA participants. In regards to the suit to overturn the ordinance, would you happen to have the filings and discovery documents from those cases?

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Thursday, June 22, 2017 4:31 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Brittany,

I'll be happy to follow up with Ex. 6 Personal Privacy (PP) on these issues. Regarding other individuals in Ex. 6 Personal Privacy (PP) community of Kekaha, I can tell you from my experience it's extremely difficult to persuade people in the community to step forward, due to concerns about being known to have done so by neighbors who work for the companies. It's something I've seen for years. I'll certainly ask if there are any people who are willing, however.

One of our client members on Moloka'i, Ex. 6 Personal Privacy (PP) has agreed to speak with EPA. She works all day, but could do it before work beginning at 8:30am any day next week. Please let me know.

Regarding the companies' lawsuits, I believe Ex. 6 Personal Privacy (PP) was referring to the lawsuit Syngenta, BASF, DuPont Pioneer, and Dow subsidiary Agrigenetics brought against Kaua'i County to overturn the ordinance, often referred to as 2491, that the county passed that would have required buffer zones around homes, hospitals, schools and waterways. The companies and their proxies brought the same type of suit against the County of Hawai'i after it passed an ordinance imposing a moratorium on new genetically engineered plantings, as well as against Maui County after a citizen initiative passed an ordinance similar to Hawai'i County's. I represented community group intervenors as well as the County of Hawai'i in all of these suits so I'd be happy to discuss them in any level of detail you might like.

Paul

-----Original Message-----
From: Martinez, Brittany [mailto:Martinez.Brittany@epa.gov]
Sent: Thursday, June 22, 2017 10:15 AM
To: Paul Achitoff
Cc: Kylie Wager; Dorka, Lilian
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul,

Thank you for coordinating the interview with Ex. 6 Personal Privacy (PP) and returning my voicemail. The following are some follow up questions that the investigative team had after Tuesday's call.

Ex. 6 Personal Privacy (PP) mentioned that the field near her home had gone fallow for about a year, but that field operations recently started up again. Can you follow up with her to ask if she noticed anything growing on the field during the fallow period?

Ex. 6 Personal Privacy (PP) mentioned that the agricultural companies sued her community and that you may have some additional details. Can you provide any information concerning that point?

Ex. 6 Personal Privacy (PP) mentioned that she had attended some meetings that included HDOA. Can you ask her if she can provide some additional information about what was discussed and if she has any documents that were provided during the meetings? In addition, please ask if she recalls when the meetings had taken place.

- In addition, Ex. 6 Personal Privacy (PP) mentioned other individuals who may live and/or work in the community. Would you be able to identify whether any of the individuals would be willing to participate in interviews? (We understand that she stated one of the individuals would not be interested).

Lastly, we previously discussed that you may have other clients who would be willing to be interviewed. Have you been able to identify those individuals? Please note that I am in the office tomorrow if you would rather discuss over the phone. Thanks!

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Monday, June 19, 2017 7:18 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Brittany, fyi we haven't yet received conference call information.

Paul

-----Original Message-----
From: Martinez, Brittany [mailto:Martinez.Brittany@epa.gov]

Sent: Monday, June 19, 2017 10:53 AM
To: Paul Achitoff
Cc: Kylie Wager; Dorka, Lilian
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul,

I am sending this note to confirm the interview scheduled for tomorrow at noon Hawai'i time. Please let me know if that time still works for everyone and whether Ex. 6 Personal Privacy (PP) has any concerns regarding the recording of the interview.

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Thursday, June 8, 2017 4:50 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Thank you, Brittany. I'll follow up.

Paul

-------- Original message --------
From: "Martinez, Brittany"
Date:06/08/2017 1:33 PM (GMT-08:00)
To: Paul Achitoff
Cc: Kylie Wager , "Dorka, Lilian"
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul,

I received confirmation that we are able to conduct the interview on 6/20 at noon Hawai'i time. Can you let N Ex. 6 Personal Privacy (PP) that we would like to record this interview? I will be sending out the conference call information shortly. If you have any questions or concerns, please let me know. Thanks!

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Tuesday, June 06, 2017 12:16 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Thank you, Brittany.

-------- Original message --------
From: "Martinez, Brittany"
Date:06/06/2017 4:56 AM (GMT-10:00)
To: Paul Achitoff
Cc: Kylie Wager , "Dorka, Lilian"
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul,

No problem. As of right now it looks like either the 14th or the 20th works better for folks. Please note that we will try to push for the 20th. I can provide you with a definitive answer by tomorrow.

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Monday, June 05, 2017 7:26 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Brittany,

Sorry to present a moving target, but Ex. 6 Personal Privacy (PP) just mentioned to me that, while she will make herself available on those dates and times next week if necessary, the following Monday and Tuesday, June 19th and 20th, after noon Hawai'i time would work better for her.

Paul

-----Original Message-----
From: Martinez, Brittany [mailto:Martinez.Brittany@epa.gov]
Sent: Friday, June 02, 2017 11:03 AM
To: Paul Achitoff
Cc: Kylie Wager; Dorka, Lilian
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul-

Thank you for providing Ex. 6 Personal Privacy (PP) availability. I will check our calendars and will get back in contact with you to confirm.

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Friday, June 02, 2017 4:59 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Thank you, Brittany. One of our client representatives, Ex. 6 Personal Privacy (PP) is available to speak with EPA on 6/13 between 9am-12pm or 6/14 between 9am-12pm. Please let me know if either of those will work for you.

Paul

-----Original Message-----
From: Martinez, Brittany [mailto:Martinez.Brittany@epa.gov]
Sent: Wednesday, May 31, 2017 7:29 AM
To: Paul Achitoff
Cc: Kylie Wager; Dorka, Lilian
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul-

Thank you for sending the GIS links. The following list are the names of the participants who were on the conference call on 5/23:

Lilian Dorka
Brittany Martinez
Kurt Temple
Debra McGhee
Amy Miller
Jeryl Covington
Ariadne Goerke
Adam Wilson
Mary O'Lone
Richard Grow
Deldi Reyes
Desean Garnett
Calvin Nguyen
Mary Grisier
Patti TenBrook
Katherine Taylor

Please note that your request for the transcript is currently being processed under FOIA. I will send you the tracking number once it is assigned.

Thank you,

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Wednesday, May 24, 2017 7:06 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Brittany,

Thank you for yesterday's call and for following up with us. We will contact our clients and provide a response as soon as possible.

We were also wondering whether you could provide us a transcript of yesterday's discussion, as well as a list of those who attended--we weren't able to record all of the names.

Finally, here are the links to the GIS layers and maps Kylie mentioned:

Hawaiian Home Lands
http://histategis.maps.arcgis.com/home/item.html?id=fb39e62aed234a90a9a494a0007b8263

Hawaiian Population (shows pure and part Native Hawaiian population, regardless of residence on Hawaiian Home Lands)
http://histategis.maps.arcgis.com/home/item.html?id=a04166da64bc4e26885912cebf7f6439

Agricultural Baseline Data (shows seed production, regardless of land ownership)
http://histategis.maps.arcgis.com/home/item.html?id=71cb06a07dee4f4990888c2a07225eb0

Public Schools
http://histategis.maps.arcgis.com/home/item.html?id=ba92e2fc0d2d4497af7289cb4ab552a7

Private Schools
http://histategis.maps.arcgis.com/home/item.html?id=95e39721d53c4319a5a4525866515458

Preschools
http://histategis.maps.arcgis.com/home/item.html?id=9c29d1a0e812454980ff133cac944611

Charter Schools
http://histategis.maps.arcgis.com/home/item.html?id=de482be8d8d34fc0b1f7a39e1dc759b3

Kaua'i County TMK maps
http://www.qpublic.net/hi/kauai/

Maui County TMK maps (includes the island of Moloka'i) http://www.mauipropertytax.com/

Regards,

Paul Achitoff

-----Original Message-----
From: Martinez, Brittany [mailto:Martinez.Brittany@epa.gov]
Sent: Wednesday, May 24, 2017 4:56 AM
To: Paul Achitoff
Cc: Kylie Wager; Dorka, Lilian
Subject: Title VI Complaint File nos. 44RNO-16-R9 and 45RNO-16-R9

Hi Paul:

As discussed during yesterday's call, here is one of the specific questions that you or your clients may be able to provide additional information during the interview:

- Can you describe in more detail the area used by Native Hawaiians for fishing in Kaua'i? Is there a similar area in Moloka'i?

In addition, please let us know when you are able to confirm the availability of your clients in the coming weeks. We will try our best to be flexible. Thank you!

-----Original Message-----
From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Tuesday, May 23, 2017 1:14 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: **Updated Conference Call Information**

Thank you, Brittany.

Paul

-------- Original message --------
From: "Martinez, Brittany"
Date:05/23/2017 6:24 AM (GMT-10:00)
To: Paul Achitoff
Cc: Kylie Wager , "Dorka, Lilian"
Subject: **Updated Conference Call Information**

Hi Paul:

The conference call information for today's discussion has been updated. Please refer to the following:

Ex. 6 Conference Code

Please respond to this email to confirm receipt. Thank you!

From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Monday, May 22, 2017 5:17 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov>
Cc: Kylie Wager <kwager@earthjustice.org>; Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hi Brittany,

Thanks, we'll be on the call tomorrow.

Paul

From: Martinez, Brittany [mailto:Martinez.Brittany@epa.gov]
Sent: Friday, May 19, 2017 8:04 AM
To: Paul Achitoff
Cc: Kylie Wager; Dorka, Lilian
Subject: RE: EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hi Paul-

Please see the following conference call information for Tuesday's discussion:

Ex. 6 Conference Code

If you have any questions or are no longer available at this time, please let us know.

From: Martinez, Brittany
Sent: Tuesday, May 16, 2017 1:48 PM
To: Paul Achitoff <achitoff@earthjustice.org<mailto:achitoff@earthjustice.org>>
Cc: Kylie Wager <kwager@earthjustice.org<mailto:kwager@earthjustice.org>>; Dorka, Lilian <Dorka.Lilian@epa.gov<mailto:Dorka.Lilian@epa.gov>>
Subject: RE: EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hi Paul,

I believe now the 23rd will work best for us. The time that I have blocked is 10:15-11am (Hawaii time). I will confirm with you before the week is out and provide you both with our conference call information. Please let me know if you have any questions.

Thank you,

Brittany Martinez

From: Paul Achitoff [mailto:achitoff@earthjustice.org]
Sent: Friday, May 12, 2017 8:23 PM
To: Martinez, Brittany <Martinez.Brittany@epa.gov<mailto:Martinez.Brittany@epa.gov>>
Cc: Kylie Wager <kwager@earthjustice.org<mailto:kwager@earthjustice.org>>
Subject: EPA file numbers 44RNO-16-R9 (HDOA) and 45RNO-16-R9 (ADC)

Hi Brittany,

I've been trying without success so far to reach our clients, but since time is short, let's schedule the call anyway, and I'll keep trying. My associate Kylie Wager and I are both available on May 22 and 23 at the times you suggested.

Paul

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